

REMARKS

Claims 1-13 have been amended. Examination of the amended application respectfully is requested.

Initially it is noted with appreciation that claims 2, 3 and 9-11 are indicated to be allowable if rewritten to overcome a rejection under 35 USC 112, and to include all limitations of the base claim and any intervening claims. As explained below, the claims have been amended to overcome all rejections under 35 USC 112, and the claims are deemed clearly to be patentable over the cited references (all other claim amendments are editorial in nature and unrelated to satisfaction of any statutory requirement). Therefore, amendments to claims 2, 3 and 9-11 to include all limitations of the base claim and any intervening claims are deemed to be unnecessary and have not been provided.

The Examiner rejected claims 1, 4, 6 and 11 under 35 USC 112, second paragraph, as being indefinite. Claims 1, 4, 6 and 9 have been amended to provide proper antecedent basis where required, including where specified in the rejection. The rejection therefore no longer is applicable and accordingly should be withdrawn.

The Examiner also rejected claims 1, 4-8 and 12-14 under 37 CFR 103(a) as being unpatentable over *Kubota et al.* in view of *Hobson et al.* The rejection respectfully is traversed.

The present invention as claimed in independent claims 1 and 6 is much different from the teachings of *Kubota et al.* and the failings of this reference are not compensated for by the teachings of *Hobson et al.* The present invention as described in the context of the preferred embodiments clearly differs from the teaching of the references. Thus, page 10, fifth paragraph of the present application, states

In Fig. 4, since the image A0 is not tampered with and the hash value is correct, a proper mark image is displayed on the output image D. When even a part of the image A0 is tampered with, a hash value H' which is different from the hash value H is calculated by the hash value operation means 108, according to the nature of the hash value operation. Since the mark image, which is decrypted by using the hash value H' as a key and decoded, becomes a different image (noise) from the proper mark image B0 or cannot be decode properly, the mark image cannot be acquired. After this manner, the originality of the image data can be confirmed visually and easily. (Emphasis added).

In the amendments to claims 1 and 6 clarification was made that “the form” is the form of a second image. Thus, claim 1 is amended to clarify that an image transmission device according to the invention transmits (1) first coded-image data with a first image coded; and (2) second coded image data with a coded second image with a predetermined form, which is displayed over the first image, the second image having a changed form when displayed in the case of the first coded image data having been tampered with,

thereby visually to evidence the tampering.” The limitation “the second image having a changed form” is supported in the specification by the language underlined in the above quote from the specification.

No image transmission device or image display device of the invention is disclosed or even suggested by the references. For example, neither of *Kubota et al.* nor *Hobson et al.* disclose or suggest a transmission device that transmits “second coded image data with a coded second image with a predetermined form, which is displayed over the first image, the second image having a changed form when displayed in the case of the first coded image data having been tampered with, thereby visually to evidence the tampering. ” In this regard, note the failure of such a teaching by *Kubota et al.*, at col. 3, lines 21-34, which is quoted below for the Examiner’s convenience:

In addition, according to the present invention, in a digital signal receiving apparatus 40 for receiving at least a band-compression coded digital video signal over which a first cipher is put and then a second cipher is put and which is transmitted by a broadcasting station, the digital signal receiving apparatus comprises second decrypting means 15, 19 for decrypting the second cipher put over the digital signal; recording/reproducing means 73, 74, 75, 76, 77 for recording the digital signal, where the second cipher was decrypted, on a recording medium, and also for reproducing the digital signal recorded on the recording medium; and first decrypting means 46, 91 for decrypting the first cipher of a reproduction signal that is reproduced from the recording medium.

Similarly, claim 6 has been amended to clarify that the image display device displays in layers (i) a first image which is achieved by decoding first coded image data; and (ii) a second image, which is achieved by decoding second coded image data, the second image changing form in the case of the first coded image being tampered with. In this regard, note the failure of such a teaching by *Kubota et al.*, there is no such teaching at the Examiner cited col. 2, lines 19-28, and claim 1 of *Kubota et al.*, also quoted below for the Examiner's convenience:

The CPU 20 instructs decryption of key to a local conditional access 24 by this notification, and the local conditional access 24 decrypts a cipher which has been put over the data recorded on the storage 18. Hence, the reproduction limitation is lifted, and the packet of the data recorded on the storage 18 is separated by the packet separation section 16. The compression of the packet-separated data is decompressed (expanded) by the MPEG decoder 17 and then the expanded data is digital-to-analog converted to be output to television as the analog signal and audio signal A/V. [col. 2, lines 19-29 of *Kubota et al.*]

A method for transmitting a digital signal, comprising the steps of:
band-compression coding a first digital signal and a second digital signal,
each respective digital signal defining an image;
encrypting the band-compression coded first digital signal;

multiplexing the encrypted first digital signal and the band-compression
coded second digital signal; and
 encrypting the multiplexed first and second digital signals to form said digital
signal for transmission. [claim 1 of *Kubota et al.*]

For all of the above reasons, it is submitted that amended claims 1 and 6 clearly are patentable over *Kubota et al.* in view of *Hobson et al.* Claims 4, 5, 7, 8, 12 and 13 depend either directly or indirectly from either claim 1 or claim 6, and therefore are patentable for at least the reasons advance above as to the patentability of claims 1 and 6. The rejections accordingly should be withdrawn.

Based on the above, it is submitted that the application is in condition for allowance and such a Notice, with allowed claims 1-13 earnestly is solicited.

Respectfully submitted,

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